

TO: Mayor and Board of Trustees
FROM: Village Administrator Steve Stricker and Staff
SUBJECT: Regular Meeting of June 13, 2011
DATE: June 13, 2011

PLEDGE OF ALLEGIANCE

Miss Ellie Fichtelberg, Burr Ridge Middle School

CONTINUED PUBLIC HEARING – Annexation Agreement 15W460 North Frontage Road

This public hearing was continued from the May 23 Board meeting. The Ordinance approving this Agreement is Item #6A on this agenda.

6. ORDINANCES

A. Annexation Agreement (15W460 North Frontage Road)

Attached please find the latest draft of the Annexation Agreement for the property at 15W460 North Frontage Road, with the parties being the Village, the property owner Mr. Robert Rogulic (London Properties, LLC) and the tenant SAIA Motor Freight Lines. I anticipate that there are still a couple of minor changes that will need to be made to this Agreement as outlined below, but that the Agreement should be ready in final form for Board review and approval on Monday evening.

In summary, the agreement requires SAIA/Rogulic to:

- Provide a one-time \$25,000 annexation fee to the Village.
- Agree not to seek zoning for a truck depot during the term of the Agreement, with the understanding that rezoning could be sought for a use consistent with the existing zoning code for a use other than a truck depot.
- Provide sound reduction improvements including:
 - ✓ a 16-foot sound wall and
 - ✓ a 12-foot fence in certain locations (see Exhibit C) with the understanding that SAIA will order all materials for the wall within 10 days after the issuance of the last permit to be issued and to complete construction of the fence no later than 60 days after the delivery of the fabricated steel posts
 - ✓ the elimination of back-up beepers for hostling tractors
 - ✓ training for all hostling tractor operators and employees who drop dock plates on the proper use of equipment to reduce noise

- ✓ perform loading and unloading of trucks on the south side of the property during non-peak hours
 - ✓ perform normal truck maintenance to the extent possible during the period from 7:00 a.m. to 10:00 p.m., with the understanding that maintenance can be done during evening hours if the west doors of the maintenance building are closed during this period of time
 - ✓ install dock plate improvements to reduce noise levels, with a solution to be determined by no later than November 1, 2011. If the parties cannot agree to a solution, then the issue may be presented to an arbitrator
- Properly maintain landscaping on the site.
 - Meet with the Village in good faith, if future noise issues become a problem.
 - Provide low-growth landscaping in front of the property along the Frontage Road.
 - Conduct a lighting study upon completion of construction of all sound barrier walls.

In exchange, the Village agrees to:

- Allow a truck depot to exist on a 24-hours-a-day, 7-days-a-week basis
- Not pass more stringent noise regulations that would impact this property
- Waive the 30-foot landscape buffer in exchange for the wall/fence improvements
- Allow the existing parking lots on the subject property to remain unpaved
- Permit SAIA to replace its existing office building by constructing a new office building, so long as there is no increase in the number of truck docks
- Not engage in noise testing for a period of two years (it is anticipated that this section will change – see below)
- Support SAIA's request for a stormwater permit from DuPage County in order to install the fence/wall

As far as the billboards are concerned, it is agreed that the two existing billboards will be allowed to remain as a non-conforming use. However, during the 20-year term of the Agreement, if they are destroyed by an act of God, they can be replaced and allowed to remain for either the remaining portion of the 20-year Agreement or the end of SAIA's lease, whichever is later, at which time they would have to be removed.

The Chestnut Hills residents raised concerns about the non-ability to perform testing for the two years after noise improvements are installed. This issue was raised after SAIA determined that it needed to perform maintenance operations during evening hours. With this in mind, SAIA has agreed to allow the Village to conduct an evening high-impose noise test by an independent professional once all improvements are installed to determine the impact of any night-time maintenance. This language has

already been included in the latest draft of the Agreement. In addition, SAIA will agree to allow any and all testing to be performed during the two-year period after the noise improvements are installed, with the understanding that the Village would not prosecute any violations (see attached memo from Scott Hargadon).

Once again, I expect that a final draft will be able to be presented to the Village Board on Monday evening for approval. With this in mind, **it is my recommendation** that the Ordinance authorizing the Annexation Agreement between the Village, SAIA and the property owner be approved.

B. Amend Sign Ordinance (S-02-2011: Sign Ordinance Update)

Attached is an Ordinance amending the Sign Ordinance. The amendments are provided in response to direction from the Board of Trustees and the ad hoc Sign Ordinance Task Force appointed by the Board. The task force recommended consideration of several amendments to the Sign Ordinance. At its May 23, 2011 meeting, the Board reviewed the Plan Commission's recommendation regarding these amendments and directed staff to prepare the attached Ordinance.

It is our recommendation: that the Ordinance be approved.

C. 77th Street as Honorary "Memorial Drive Honoring all Veterans"

Attached please find an Ordinance that creates a new designation under Chapter 35 to create a placeholder for honorary street signs and lists 77th Street as "Memorial Drive Honoring All Veterans."

It is our recommendation: that Ordinance be approved.

D. Special Use (Z-10-2011: 90 Burr Ridge Parkway – Remax)

Please find attached an Ordinance approving a special use and a letter from the Plan Commission recommending the special use requested by Remax County Line for a real estate office at 90 Burr Ridge Parkway.

Real Estate Offices require special use approval in the Business Districts. The intent of the special use requirement is to ensure that retail areas do not become office centers and to avoid the reduction in Village sales tax revenues that occurs when offices replace retail businesses. The Plan Commission recommends the special use primarily because it does not represent an increase in floor area for non-retail uses in County Line Square. The real estate office is moving into space previously occupied by a bank.

It is our recommendation: that the Board concurs with the Plan Commission and approves the Ordinance.

7. RESOLUTIONS

- A. **Agreement with IDOT for Madison Street Traffic Signal**
- B. **Agreement with DuPage County for Madison Street Traffic Signal**

The design phase for the Madison Street Traffic signal project is concluding and the project is currently slated for an August 5, 2011 letting. In order to reduce the Burr Ridge cost for this project, village staff has been aggressively pursuing IDOT and DuPage County to secure additional funding for the local match for this project. Although this project is primarily (70%) funded by a federal grant, the remainder of the construction cost (30%), and the entire construction engineering cost, must be borne by the local agency(s). Due to the \$1.3M cost of the project, and the cost for construction engineering and material testing, the local share for this project remains substantial. Although the Village has budgeted funds for the local match, staff felt it was worthwhile to pursue IDOT and DuPage County for contributions, especially since IDOT retains jurisdiction over two legs of the intersection, and DuPage County retains jurisdiction over the north leg.

Staff is pleased that both IDOT and DuPage County have agreed to contribute for the portion of the work which will take place within their right-of-way, as well as a contribution toward the construction engineering contract. The cost for the actual traffic signal installation will be proportioned based upon the jurisdictional share of the intersection (50% IDOT, 25% DuPage County, and 25% Burr Ridge). Additional resurfacing, sidewalk, curb and gutter, and drainage improvements will be proportioned based upon the agency that owns the right-of-way upon which the improvement will be installed. The vast majority of this ancillary work occurs within the IDOT right-of-way, so IDOT participation is particularly beneficial. The contractual agreements and related impacts include the following:

IDOT

IDOT has agreed to contribute \$399,892 toward the local match for this project. A LAA (Local Agency Agreement) is attached hereto, which will formalize this arrangement. IDOT will be a signatory to the Local Agency Agreement, so IDOT will be obligated to make their contributions as bills become due, therefore Burr Ridge will not have to “front” the money on IDOT’s behalf. This agreement reduces the Burr Ridge cost of the project by \$400K.

DuPage County

The Village has secured a commitment from DuPage County to contribute \$50,363.07 toward the local match for this project. DuPage County will not be a signatory to the Local Agency Agreement, so the Village will “front” the \$50K and will be reimbursed by the County. The County has drafted the attached Intergovernmental Agreement, which will formalize

this arrangement at the time of signing. This contribution will reduce the Burr Ridge cost of the project by an additional \$50K.

Village of Burr Ridge

The Village of Burr Ridge contribution for the construction and Phase III engineering for this project will be substantially reduced as a result of the above listed agreements; the Burr Ridge contribution is now anticipated to be approximately \$50K (actual numbers will not be known until the project is let). It should be noted that a developer contribution from the Walsh-Higgins project, in the amount of \$132,500, has been secured for this purpose. Therefore, the aggregation of revenue for this project exceeds the anticipated Burr Ridge expenditure for construction and Phase III engineering. The surplus revenue will be carried over to the FY 12-13 fiscal year and will supplement the capital surplus for that year.

7A – It is our recommendation: that the Resolution be adopted and that the Board authorize the Mayor to execute the Local Agency Agreement for utilization of Federal and State funding for the Madison Street Traffic Signal (STP Grant Project).

7B – It is our recommendation: that the Resolution be adopted and that the Board authorize the Mayor to execute the Intergovernmental Agreement for reimbursement of funds expended on the Madison Street Traffic Signal (STP Grant Project).

C. Prevailing Wage Rates for Public Works Employees

Enclosed is a Resolution that the Village is required to approve each June. The State Department of Labor requires that laborers, mechanics and other workers employed in any Public Works projects undertaken by the Village be paid at the prevailing wage rates for construction workers in Cook and DuPage Counties. A schedule of these rates is included as an attachment to the Resolution.

It is our recommendation: that the Resolution be adopted.

8. CONSIDERATIONS

A. Plan Commission Recommendation – Amend Zoning Ordinance

Please find attached a letter from the Plan Commission recommending approval of the annual Zoning Ordinance Update. The update includes the following amendments:

- Section IV.I.12 reducing required minimum lot width for driveway gates;
- Section IV.I to add regulations for retaining walls on private property;

- Section IV.R to clarify that the home occupation regulations apply to residential uses in non-residential districts;
- Section IV.K to clarify that parking regulations for trailers and commercial vehicles apply to residential properties in non-residential districts;
- Section IV to reformat the regulations without substantive changes;
- Section IV to make existing rooftop screening requirements applicable to office, business and transitional districts and to modify the required height of rooftop screening.

The Plan Commission also considered an amendment to Section IV.I to add regulations for salt protection fences on residential properties located on arterial streets but does not recommend adding any such regulations at this time. It is the opinion of the Commission that there may be certain residential properties that may need salt protection fences based on adjacent traffic but that those situations would be few and would be based on unique conditions that may justify a variation.

It is our recommendation: that the Board direct staff to prepare an Ordinance amending the Zoning Ordinance as recommended by the Plan Commission.

B. Economic Development Committee Recommendation – Promotion of Downtown Burr Ridge

Pursuant to a request from Mayor Grasso, the Economic Development Committee has created a list of recommendations to promote downtown Burr Ridge (see attached). Also, see Economic Development Committee minutes of May 17, which is item 5C. I will provide a PowerPoint presentation on the proposed recommendations on Monday evening.

It is our recommendation: that the recommendation of the Economic Development Committee to promote downtown Burr Ridge be approved and that contracts to www.seeyouowntown.com for video promotions in the amount of \$9,100 and to Hitchcock Design Group for design services associated with creating a design concept for a sign along I-55 in the amount of \$10,500 be approved.

C. Stormwater Committee Recommendation – Additional Landscaping along Police Department Detention Pond

The Village of Burr Ridge Stormwater Committee wishes to pursue the opportunity of providing additional landscape improvements around the Police stormwater detention facility. The Committee has proposed installation of four planter beds which are intended to enhance the appearance of the stormwater facility and to serve as an example of the type of landscaping that the Committee wishes to promote as an

enhancement to existing and proposed detention facilities. The planter beds will be located between the County Line Road sidewalk and the stormwater facility, and will consist primarily of native plants such as grasses and flowering perennials.

Staff has been directed to solicit quotations for this work. Initial proposals were reviewed by the Stormwater Committee at the May 10 meeting, at which time staff was directed to refine the scope and negotiate more favorable pricing. Three committee liaisons, Nancy Montelbano, Wil Wilcox, and Wayne Mrjenovich were identified to assist in the review of the plant material and proposed scope of work. Negotiations have been concluded, and a proposal from Vince's Landscaping, in the amount of \$7,500, for the installation of four planter beds, is recommended for approval. This work will be paid for from a portion of the remaining Police Station construction funds. It is anticipated that the installation will be performed in late June, 2011.

It is our recommendation: that a contract be awarded to Vince's Landscaping, for the construction of four planter beds at the Police Facility, in an amount not to exceed \$7,500.

D. 2011-2013 Strategic Goals Meeting

Every two years, the Village Board conducts a Strategic Goal Setting meeting that allows Trustees to present new ideas and strategies they would like to see implemented (see attached goals established for FY 2009-2011). In the past, we have used a facilitator to help lead us in this process. However, due to budget constraints, I am once again recommending that we conduct this process using our existing Staff. I will be asking the Board to check their calendars for an evening meeting, starting at 6:00 p.m., sometime during the month of September.

E. Plan Commission Recommendation – Special Use (Z-02-2011: 15W308 and 15W320 North Frontage Road – Martin)

Please find attached a letter from the Plan Commission recommending approval of a request by Theodore J. Martin on behalf of Frontage Road Limited Liability for special use approval to permit an Automobile Service and Repair business in an existing building at 15W308 North Frontage Road. Specifically, the special use would permit a business that powder coats automobile parts.

The petitioner currently leases the building at 15W308 to an automobile service business and is seeking to legally establish this business at this location. The auto service business powder coats automobile parts such as wheels.

At the initial public hearing meeting, there were two neighbors who said they did not object to the powder coating business but did not want to see any industrial uses in the building. The neighbors did not appear at any of

the subsequent hearings.

The Plan Commission would prefer to see this property, including both 15W308 and 15W320, rezoned to the T1 Transitional District as was done with other properties in this section of North Frontage Road. The petitioner said he did not object to rezoning for office use but preferred to wait until such time that an office user offered to lease or buy the property.

The Plan Commission was also very concerned about several property maintenance violations on the property which led to the continuances of the public hearing. The Commission asked the petitioner to resolve the property maintenance violations before they would consider any zoning approvals. Prior to the June 6 meeting, those violations were effectively resolved.

In response to the above concerns, the Plan Commission is recommending a temporary approval of the automobile parts powder coating business. This is intended to allow the petitioner some economic benefit from the property while marketing the property for a long term office use and redevelopment.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance approving the temporary special use as recommended.

F. Plan Commission Recommendation – Variation (Z-08-2011: 220-240 Shore Drive – Branson & Bratton)

Please find attached a letter from the Plan Commission recommending approval of a request by Mr. Mark Bronson on behalf of Branson & Bratton, Inc. for a zoning variation to permit an addition connecting two existing buildings resulting in a combined Floor Area Ratio (FAR) of 0.48 rather than the maximum permitted 0.40 FAR.

The petitioner has owned and operated this business at this location since 1970. The business manufactures specialized tooling and aerospace parts. They currently operate from two adjacent buildings and would like to construct an addition connecting the two buildings. The addition would result in a floor area ratio of 0.48.

The Plan Commission concurred that the building was uniquely improved to accommodate the petitioner's specialized business and that it would be a hardship for the petitioner to accommodate their growth and to find a new building that met their unique needs. Further, it was determined that there are several other buildings in the Hinsdale Industrial Park that exceed the 0.4 FAR and, therefore, this variation will not be out of character with the surrounding area.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance approving the

temporary special use as recommended.

G. Plan Commission Recommendation – Special Use (Z-09-2011: 200-206 Burr Ridge Parkway – Dao Sushi & Thai)

Please find attached a letter from the Plan Commission recommending approval of a request from Dao Sushi & Thai Restaurant for a special use approval to permit the expansion of an existing restaurant with sales of alcoholic beverages and extended hours of operation. The restaurant is located at 200 Burr Ridge Parkway and seeks to expand into the adjacent tenant space at 206 Burr Ridge Parkway.

The petitioner seeks to add a 1,200 square foot space to the restaurant which would be used as a hibachi room. The space would be incorporated into the existing restaurant and accessed via the existing restaurant.

The Plan Commission noted that the restaurant has operated successfully at this location for two years and without any noise or other complaints relative to the hours of operation or the sales of alcoholic beverages.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance approving the temporary special use as recommended.

H. Plan Commission Recommendation – Sign Variation (S-03-2011: 201 Bridewell Drive – Eddie Merlot's)

Please find attached a letter from the Plan Commission recommending approval of a request from Creative Sign Resources on behalf of Eddie Merlot's Restaurant for sign variations to allow four wall signs rather than the permitted two wall signs and to allow the combined area of wall signs to exceed 100 square feet (141 square feet proposed).

The petitioner submitted plans for review at the May 2 Plan Commission meeting. Those plans called for 196 square feet of sign area including a blade sign extending above the roof line of the building. The consensus of the Commission was not to recommend the blade sign and to reduce the overall area of signage. The applicant provided revised plans for the June 6, 2011 meeting. The Plan Commission was satisfied with the revisions and agreed that the amended variations were justified based on the unique configuration of the property and building relative to Bridewell Drive and County Line Road.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance approving the temporary special use as recommended.

I. Donation to Farmers' Market (General Fund)

Enclosed is a letter from Lavonne Campbell, Superintendent of Recreation for the Burr Ridge Park District, requesting a contribution toward the Park District's Farmers Market on the Village Green from June 16 through September 1, 2011. \$1,200 has been placed in the General Fund for this purpose.

It is our recommendation: that the request from the Burr Ridge Park District for a contribution toward its Farmers Market on the Village Green in the amount of \$1,200 from the General Fund be approved.

J. Ratification of FOP Union Contract (Patrol Officers)

I am pleased to report that the Fraternal Order of Police has approved the proposed union contract for our Patrol Officers. The financial terms of the agreement include:

FY 2010-11	0% COLA + step increase; \$750 bonus
FY 2011-12	2% COLA + step increase
FY 2012-13	2.5% COLA + step increase
FY 2013-14	2.75% COLA + step increase

With this in mind, **it is my recommendation** that the contract be ratified.

K. Approval of Vendor List

Enclosed is the Vendor List in the amount of \$290,534.34 for all funds, plus \$181,324.23 for payroll, for a grand total of \$471,858.57. The Vendor List includes the following special amount:

- \$42,857.50 – US Bank for 2003 GOB interest for June 2011

It is our recommendation: that the Vendor List be approved.